



NOAA FISHERIES

OCTOBER 2002



Atlantic Large Whale Take Reduction Plan

Compliance Guide for Southeast Atlantic Commercial Gillnet Fishery

A plan to reduce serious injuries and deaths of large whales due to accidental entanglement in fishing gear in the Atlantic

**New Regulation
Effective
October 23, 2002**

NOAA FISHERIES

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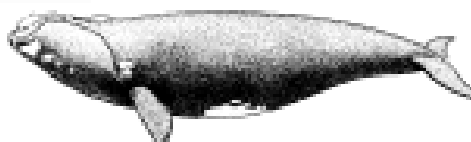
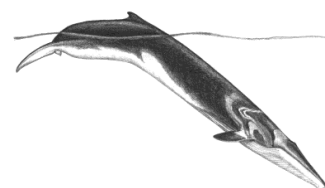
Overview:

This compliance guide provides an overview of the regulations that implement the Atlantic Large Whale Take Reduction Plan (ALWTRP) which affect commercial gillnet fishers in the southeast Atlantic (NC through FL).

A recent rule in September 2002 prohibits the use of straight sets of gillnets at night during the right whale calving season in waters off Georgia and Florida (for non-shark fisheries).

Goal:

The ALWTRP provides protection for large whales, with an emphasis on western North Atlantic right whales due to their critical population status. The September 2002 rule specifically addresses the southeast U.S. restricted area, which includes a nursery area for right whale mothers and calves. This rule is needed to satisfy requirements of the Marine Mammal Protection Act and the Endangered Species Act.



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Atlantic Large Whale Take Reduction Plan: Southeast Atlantic Commercial Gillnet Fishery

SOUTHEAST ATLANTIC GILLNET FISHERS:

*From November 15– March 31,
annually:*

Fishers are prohibited from using straight sets of gillnets at night in the southeast U.S. restricted area. **Shark gillnetting effort using 5 inch (12.7 cm) or greater stretched mesh may be exempted from this provision if the fishing practices comply with existing regulations detailed in 50 CFR 229.32(f)(4)(iii) and (iv).**

Who does this affect?

This affects fishermen who use any type of gillnet gear for any species (excluding shark gillnet effort using 5 inch [12.7 cm] or greater stretched mesh in compliance with the above regulations) in the southeast U.S. restricted area.

What area is affected?

The rule affects the southeast U.S. restricted area which consists of waters from 32°00' N. lat. (near Savannah, GA) south to 27°51' N. lat. (near Sebastian Inlet, FL), extending from the shore eastward to 80°00' W long.

What is a straight set of a gillnet?

A straight set of a gillnet is the deployment of gillnet in a straight line, as opposed to the deployment of gillnet in a circular manner, for example, around a school of fish.

How do you define night?

Night is defined as any time between one-half hour before sunset and one-half hour after sunrise.

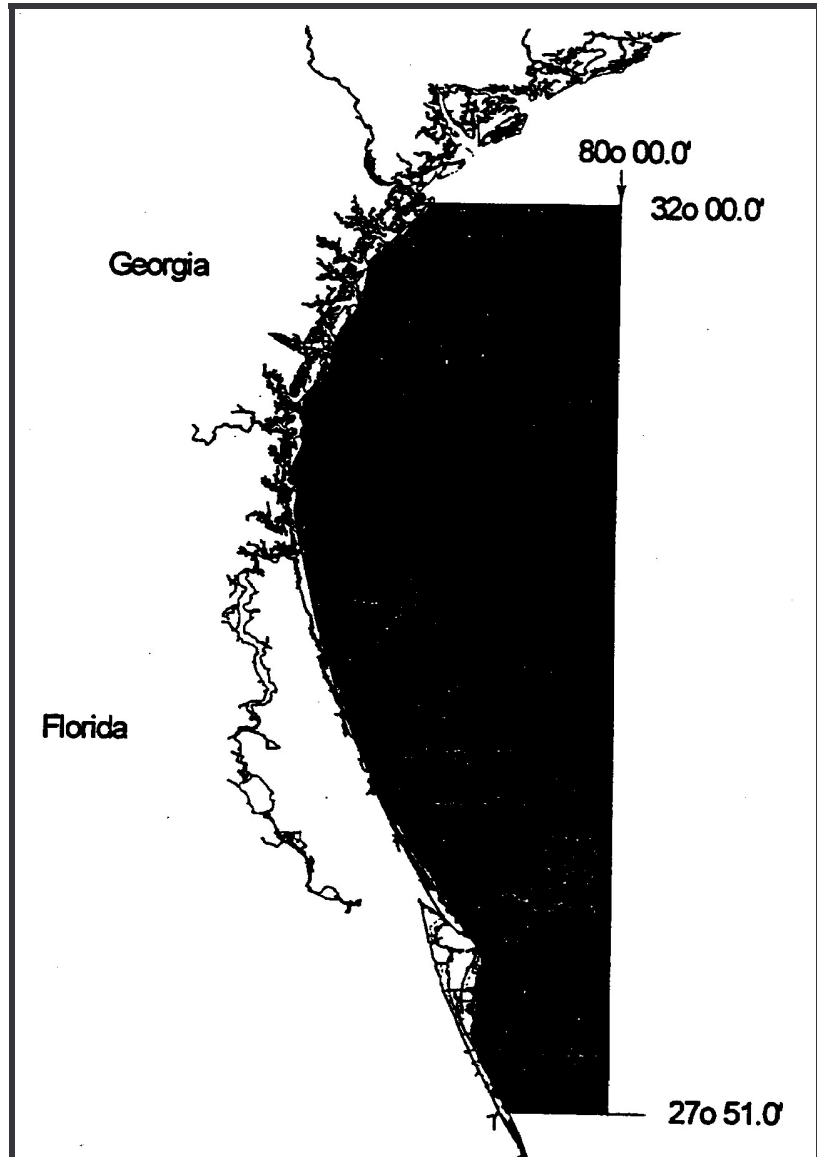


Figure 1: Southeast U.S. restricted area.

Currently the southeast U.S. shark gillnet fishery is regulated using these boundaries.

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How did NOAA Fisheries pick this time and area to manage?

Right whales generally occur in the southeast U.S. restricted area from around November 15 through March 31, annually. Within the time period and geographic area in which the right whale is known to occur in the southeast United States, a prohibition would afford additional protection to the concentrations of right whales.

Since 1996, NOAA Fisheries has sought recommendations from the Atlantic Large Whale Take Reduction Team about reducing the incidental take of large whales by commercial fisheries. The team is comprised of fishermen, scientists, conservationists, and state and federal officials who advise NOAA Fisheries about whale conservation and management issues. The team recommended this prohibition to NOAA Fisheries, and the final rule takes into consideration the team's recommendations as well as the public's comments.

Why are straight sets of gillnets at night a threat to whales?

Given the gear types and fishing practices used in the southeast Atlantic, NOAA Fisheries believes straight set gillnets deployed during daytime present a very minimal threat to whales. Such gear is retrieved within about one-half hour of every set; thus, the fisher would be on-site in the possible event of an entanglement and could subsequently contact the disentanglement network for action. Straight sets at night pose a higher level of risk of entanglement to whales than strike sets or straight sets during the day, because fishers are not as actively involved with straight set gear (in comparison to the strike set method used in southeast Atlantic waters), and whales are much more difficult to spot at night.

How will the new regulation benefit whales?

Through the September 2002 rule, NOAA Fisheries aims to reduce the potential for the entanglement of right whales in straight set gillnet gear. Due to gear restrictions, the final rule will also reduce the likelihood of effort influx into the fishery in the future, thereby further reducing the likelihood of entanglements.

Scientists estimate that only about 300 western North Atlantic right whales are alive today. Since 1970, approximately 50 right whales are known to have died, primarily from unknown or natural causes. While approximately 20 have died because they were struck by ships or entangled in fishing gear, not every ship strike or fishing gear entanglement results in a whale's death. Each year scientists document new injuries from fishing gear and ship interactions. Today more than 180 of the remaining western north Atlantic right whales bear wounds and scars from injuries they suffered during such encounters. Therefore, in addition to implementing this rule, NOAA Fisheries will continue working with the shipping industry and many state and federal partner agencies to minimize right whale injuries and deaths caused by large vessels.

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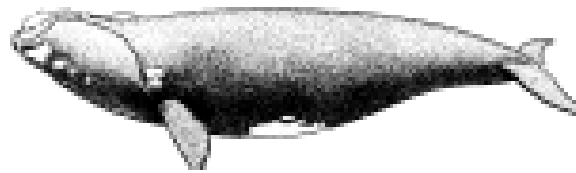


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Please disregard this notice if you have received it in error.

This summary is only intended as a guide to measures required under the Atlantic Large Whale Take Reduction Plan. This document is not the official legal document detailing the regulations. Interested and affected parties can find the regulations at 67 FR 59471 (to be codified at 50 CFR 229.32) or at the whale plan website:

<http://www.nero.nmfs.gov/whaletrp>



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